

UNITED STATES OF AMERICA  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DARIN S. SIKKILA and  
CARRIE L. SIKKILA,

Plaintiff(s),

v.

Case No. 2:07-cv-64

AMERICAN STEAMSHIP CO.,

HON. TIMOTHY P. GREELEY

Defendant(s).

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REPORT AND RECOMMENDATION

This matter comes before the court on plaintiffs' motion for default judgment as to American Steamship Company, filed on June 22, 2007 (docket #5). In their motion, plaintiffs state that a complaint was filed against American Steamship Company on April 2, 2007. Defendant American Steamship Company was served with a summons and copy of the complaint on April 20, 2007, as evidenced by the executed summons filed with the court on May 1, 2007 (docket #2). On May 22, 2007, default was entered by the clerk of the court due to defendant's failure to plead or otherwise defend as required by the Civil Rules of Federal Procedure.

On June 22, 2007, plaintiffs filed a motion for default judgment and proposed order as to defendant American Steamship Company. Plaintiffs' motion was set for hearing before the undersigned on September 20, 2007, at 2:00 p.m. On September 20, 2007, plaintiffs and their attorney appeared before the undersigned in accordance with the notice of hearing. Defendant did not appear at the hearing or file any responsive pleading with the court.

Therefore, it is recommended that plaintiffs' motion for default judgment be granted, entering default judgment for plaintiff Darin Sikkila against defendant American Steamship Company in the amount of \$2,000,000.00, plus costs and interest according to law, from the date of judgment until the entire amount is paid. It is further recommended that default judgment for plaintiff Carrie Sikkila be entered in the amount of \$250,000.00, plus costs and interest according to law, from the date of judgment until the entire amount is paid.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

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/s/ Timothy P. Greeley  
TIMOTHY P. GREELEY  
UNITED STATES MAGISTRATE JUDGE

Dated: October 4, 2007